

New law provides for the declaration of an emergency by the Commissioner of Conservation to prevent serious damage to the environment, life or safety. Such emergency shall be occurring or imminent at a site or facility under the jurisdiction of the commissioner. The commissioner shall give notice to the operator by telephone at the emergency number on file with the commissioner's office, telegraph, facsimile, or personal appearance. If the operator cannot be contacted within 24 hours or if the operator fails to begin abatement procedures within those 24 hours, the commissioner may begin abatement procedures. If the operator is contacted, the operator must then begin abatement procedures within 24 hours. The commissioner is also authorized to undertake or to order the operator to undertake containment and abatement of the pollution source and pollutants. Refusal by the operator to begin abatement procedures upon notification by the commissioner shall constitute a failure or refusal to comply with law.

New law provides that the commissioner is authorized to issue permits, variances, or other orders in response to the emergency, limited in effect to the time necessary to address the emergency.

New law provides that any action to enjoin the commissioner's actions must be brought in district court in Baton Rouge. The burden is on the party praying for an injunction to show the injunction will not endanger or harm the public health or environment by clear and convincing evidence. If successful, the claimant must supply bond.

New law provides that the commissioner may utilize any federal or state funds available for these purposes, including the Oilfield Site Restoration Fund.

Effective August 15, 1999.

(Amends R.S. 30:4(B); Adds R.S. 30:6.1, 86(E)(5), and 91(D))